

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**BLUE CROSS AND
BLUE SHIELD ASSOCIATION**

PLAINTIFF

v.

CASE NO. 3:07-CV-00038 GTE

JOHNNY F. VAN HORN

DEFENDANT

ORDER

On February 23, 2007, Johnny F. Van Horn filed a declaratory judgment action in the Circuit Court of Craighead County, Arkansas, naming Arkansas Blue Cross Blue Shield (“Arkansas BCBS”), Blue Cross of California, Blue Shield of California, Healthcare Recoveries, Inc., Meridian Resource Company, LLC, and The Rawlings Company, LLC as defendants. Van Horn sought an order declaring that the Defendants have no right of subrogation or other interest in settlement proceeds from a personal injury action or under-insured coverage maintained by the Plaintiff. Subsequently, the defendants in that action removed the case to this Court, *Van Horn v. Arkansas Blue Cross Blue Shield, et al*, 3:07-cv-00032-GTE. On April 5, 2007, Blue Cross Blue Shield Association filed this action seeking subrogation from Mr. Van Horn. On October 31, 2007, this Court issued an Order in *Van Horn v. Arkansas Blue Cross Blue Shield, et al*, 3:07-cv-00032-GTE remanding the case to state court for further proceedings, holding, *inter alia*, that it lacked jurisdiction under *Empire*.

It appears that the resolution of the first-filed case, *Van Horn v. Arkansas Blue Cross Blue Shield, et al*, 3:07-cv-00032-GTE, in state court may be outcome determinative in this case. The Court has weighed the interests of the parties and finds that the interest of judicial economy

compels that this case be stayed pending decision of the state court. The parties do not object to this course of action. Therefore, the Court will stay this case and administratively terminate it pending resolution of the first-filed state court action and a motion to remove the stay. The parties are directed to contact the Court within 30 days of resolution of the state court action and advise the Court as to how they wish to proceed.

Accordingly,

IT IS THEREFORE ORDERED that this case be STAYED and ADMINISTRATIVELY TERMINATED pending resolution of the related state court action and a motion to remove the stay.

Dated this 15th day of November, 2007.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE